

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 4008 OF 2021

Smt. Sanjivani Lad and another. ... Petitioner.

V/s.

The State of Maharashtra and others. ... Respondents.

Mr.Saurabh Pakale i/b. Nilesh Desai for the Petitioners.

Ms.Nisha Mehra, AGP for Respondent Nos.1 to 4.

Mr.S.R.Ronghe for Respondent Nos.5 and 6.

Mr.Narendra Bandiwadekar, Senior Advocate with Mr.Vinayak
R. Kumbar, Mr.Rajendra B. Khaire and Mr.Aniket S. Phapale
i/b. Ms.Ashwini Bandiwadekar for Respondent Nos.7 to 14.

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CORAM : NITIN JAMDAR, AND
M.M. SATHAYE, JJ.

DATE : 20 March 2024.

P.C. :

Heard the learned counsel for the parties.

2. After hearing the parties for some time, what emerges before us is a dispute raised by one set of employees of the Respondent- Management with the other set of employees as regards their placement and seniority. The proposal submitted by the Respondent- Management to the education authorities seeking approval to the transfer of Respondent Nos.7 to 14, the added Respondents from unaided division to the aided division has been

approved under the impugned order of the education Authority.

3. The learned counsel for the Petitioners states that the order granting approval states that the approval order itself is subject to issue of seniority. Therefore, two avenues are open to the Petitioners. One, the Petitioners can approach the Authority which has granted approval by making a specific representation or compliant and second, the Petitioners can raise the dispute regarding seniority before the Deputy Director of Education under Rule 12 of the Maharashtra Employees of Private Schools (Conditions of Service) Rule, 1981. The Petitioners have not adopted either of these resources available and have called upon this Court at the first instance to decide the issue of correctness of the approval granted.

4. According to us, since the above two remedies are open to the Petitioners, it is not necessary for us to entertain this petition. Keeping it open to the Petitioners to adopt the above courses of action, we dispose of the writ petition.

5. In case the Petitioners adopts the above courses of action, the contention of the parties are kept open.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)